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## REED SMITH LLP

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## UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

In re: Andrew C. Borden Debtor.	: Chapter 13 : Case Number: 09-29392 :
Andrew C. Borden Plaintiff, v. Wells Fargo Home Mortgage Defendant.	: Adversary Number: 09-2932 : : : : : : : : : : : : : : : : : : :

## OBJECTION TO DEBTOR'S ATTORNEY'S MOTION TO COMPEL PAYMENT OF ADMINISTRATIVE EXPENSES

- 1. In the Debtor's Application for Allowance of Compensation and Reimbursement of Expenses (the "Application"), the Debtor states that "the Debtor's have agreed [sic], subject to further review and order of the bankruptcy Court, that the Applicant's billing rate would be \$385 per hour." See Paragraph 4 of the Application.
- 2. The Debtor further states that the work contained in the Application was incurred during the Debtor's bankruptcy and adversary proceedings.

- 3. As Paragraph 9 of the proposed (yet unsigned) Settlement Agreement between Debtor and Defendant makes clear, the payment of the settlement amount is in full satisfaction of all claims. This includes attorney's fees. A true and correct copy of the settlement agreement is attached hereto as Exhibit A.
- 4. Debtor improperly states that "payment of the fees within this Application are being made by the bank not the Estate." However, there is no such agreement by Wells Fargo to pay the Debtor's attorney's fees.
- 5. Further, the Trustee has incorrectly stated in her Limited Objection to the application that "Wells Fargo is to be responsible for the full amount." See Paragraph 1 of the Limited Objection.
- 6. To the contrary, the Defendant has agreed only to pay \$1,000 to settle the adversary matter. Nothing more.

WHEREFORE, Defendant Wells Fargo Home Mortgage prays that the Application seeking payment of administrative fees from Wells Fargo be denied or clarified such that payment be made from the Estate only.

Respectfully submitted,

## REED SMITH LLP

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Dated: February 14, 2011